

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

LIMEKILN DEVELOPMENT INC

CIVIL ACTION NO. 1:20-cv-00145

-vs-

JUDGE DRELL

X T O ENERGY INC

MAGISTRATE JUDGE PEREZ-MONTES


JUGDMENT

For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, and after independent (*de novo*) review of the record including the objections filed herein, and having determined that the findings and recommendations are correct under the applicable law;

IT IS ORDERED that XTO's Rule 12(b)(6) Motions to Dismiss (ECF Nos. 9, 24) are DENIED.

In so ruling, and in addressing, in part, XTO's objections, we note regarding its cited "precedent" from the Western District, that citation of Miller v. J-W Operating Co., 2017 WL 326113 (W.D. La. Jul. 28, 2017) is inapposite. Here we consider Doc 1-3 and 1-14 to reflect that XTO should have been at all times aware of the exact nature and location of Limekiln's interest in the unitized track.

THUS, ORDERED AND SIGNED in Chambers at Alexandria, Louisiana, on this 12th day of March, 2021.



DEE D. DRELL, JUDGE
UNITED STATES DISTRICT COURT